REMARKS

Reconsideration is respectfully requested.

Entry of the above amendments is courteously requested in order to place all claims in this application in allowable condition and/or to place the non-allowed claims in better condition for consideration on appeal.

Claims 1 through 5, 7 through 22, and 24 through 49 remain in this application. Claims 6 and 23 have been cancelled. No claims have been withdrawn or added.

Paragraphs 3 through 5 of the Office Action

Claims 1 through 5, 7, 8, 10 through 16, 18 through 22, 24 through 43 and 45 through 47 have been rejected under 35 U.S.C. §102(b) as being anticipated by Dowling et al (U.S. 6,522,875).

Claims 6, 9, 17, 23, 48 and 49 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dowling et al (U.S. 6,522,875) in view of Huang et al (U.S. 6,571,245).

Claim 44 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Dowling et al (U.S. 6,522,875) in view of McAuliffe et al (U.S. 5,838,790).

Claim 1 has been amended to include the requirements of claim 6 as previously presented, and thus includes the requirement of "modifying the acceptance data by integrating entries from a personal information manager". As the requirements of claim 6 have simply been included in claim 1, claim 1 simply presents the scope of previously presented claim 6 and should not require further searching. Further, claim 19 has been amended to include the requirements of claim 23, and thus now includes the requirement of "logic for modifying the acceptance data by integrating

entries from a personal information manager", and thus simply presents the scope of previously presented claim 23 and should not require further searching. Claim 14 has been amended with requirements similar to claims 6 and 23, and now requires "selecting at least one of the received advertisements based on preferences for selecting advertisements specified by a user of the communication device, *at least a portion of the preferences for selecting advertisements being integrated from entries on a personal information manager*". Claim 28 has also been amended to include requirements similar to claims 6 and 23, and now recites "logic for modifying the acceptance data by integrating entries from a personal information manager". Claim 33 has also been amended to include requirements similar to claims 6 and 23, and now requires "a mobile communication device capable of storing acceptance data thereon, *the mobile communication device being capable of modifying the acceptance data by integrating entries from a personal information manager*".

With respect to claim 6, the final Office Action concedes that Dowling "fails to teach further comprising the step of modifying the acceptance data by Integrating entries from a personal information manager. It is then asserted that:

> Huang teaches a web page personal information manager which interface with personal digital assistance computers (see figure 10; column 13, lines 15-39).

Turning to the Huang patent, which describes a "virtual desktop in a computer network", the referenced portion of Huang states at col. 13, lines 15 through 39 (emphasis added):

> FIG. 10 shows a diagram of an embodiment of some of the features provided by a personal information manager of the invention. The personal information manager maintains a database of information personal to the user, including a calendar, an address and contact book, a to-do list, and other information. Similar to the files and bookmarks, it is advantageous to maintain up-to-date personal

> information in a central location that is accessible from virtually anywhere.
>
> As shown in FIG. 10, a local PC desktop 1010 and a virtual desktop 1020 each includes a combination of icon, folder, or enumerated list of personal information of various types. For example, icons or folders can be generated that identify the user's address book, calendar, and to-do list. The user can access each type of information by clicking on the designated icon. A window is then opened that displays the selected information.
>
> In an embodiment, a personal information database 1030 stores the personal information of the user. Personal information database 1030 can reside in file server 280 in FIG. 2. The personal information can be transferred between database 1030 and desktops 1010 and 1020. The personal information can further be transferred between local PC desktop 1010 and a personal digital assistance (PDA) 1040 such as a PalmPilot.TM., a Windows CE.TM., or other (hand-held) units.

Thus, even at its broadest, the Huang patent merely describes the movement of "personal information" from a "local PC desktop" to a PDA, but nothing in Huang explains what should be done with this information once it is loaded on the PDA. Nothing in Huang suggest that this personal information, even if downloaded to a PDA, could be or should be used to modify "acceptance data" that is stored on the PDA, or should be compared to a broadcast advertisement containing advertisement data in a manner that is used to obtain a comparison result. So, even if one assumes that Huang downloads such information to a PDA, the Huang patent, and the allegedly obvious combination of Dowling and Huang, fails to teach one of ordinary skill in the art that the downloaded personal information should be used to modify acceptance data on a communication device *and* that the acceptance data so modified should be compared to broadcast advertising.

> It is then contended in the Office Action that (emphasis added):
>
> Therefore, it would have been obvious to a person ordinary skill in the art at the time the application was made, to know that users of the Dowling system would use a personal information manager to input data, as taught by Huang, which would Interface with the personal digital assistance taught by Dowling (see column 7, lines 23-26). The personal information manager would give users a more friendly display to input data and manage files.

However, no support is provided in the Office Action for the bald assertion that "it would have been obvious to a person of ordinary skill in the art . . . to know that users of the Dowling system would use a personal information manager to input data", and even if it were assumed for the purpose of argument that the usage of a personal information manager is so pervasive as to be "obvious", it still does not bridge the gap here between having the information in a personal information manager (either on a personal computer or a PDA) and actually using the information in the manner required by claim 1. The Dowling patent certainly does not suggest that all information on a PDA is employed in the operation of its system, and in fact the Dowling patent sets forth ways of entering information into its system that have nothing to do with a "personal information manager". Simply because the Dowling system may be employed on a PDA, and the Huang information may be downloaded to a personal information manager application on a PDA, does not lead one of ordinary skill in the art to taking the information from the personal information manager application and applying it to the Dowling system. Further, the allegedly obvious motivation to make such a combination, specifically "to give users a more friendly display to input data and manage files", is not found or described in either of the patents that are relied upon in this rejection, and could lead one of ordinary skill in the art in a multitude of actions other than the modification suggested in the Office Action.

It is therefore submitted that the burden for showing a motivation in the prior art for making the allegedly obvious combination has not been met by the remarks set forth in the final Office Action.

Further with respect to claim 9, which requires "reading deletion data in a stored advertisement, wherein the deletion data indicates criteria for deleting the stored advertisement" and "deleting the stored advertisement

from the communication device based on the deletion data", the Office Action states (emphasis added):

> As per claim 9, Dowling teaches the method of claim 8, but fails to teach further comprising the steps of: reading deletion data in a stored advertisement, wherein the deletion data indicates criteria for deleting the stored advertisement; and deleting the stored advertisement from the communication device based on the deletion data. Huang teaches a web page personal information manager which Interface with personal digital assistance computers and which allows to save and delete flies In a similar manner as a desktop computer (see figure 10; column 8, lines 63-67; column 13, lines 15-39). Therefore, it would have been obvious to a person ordinary skill in the art at the time the application was made, to know that users of the Dowling system would use a personal information manager to input data and delete flies, *as* taught by Huang, which would interface with the personal digital assistance taught by Dowling (see column 7, lines 23-26). The personal information manager would give users a more friendly display to input data and manage files.

The portion of the Huang patent at col. 13, lines 15 through 39 is reproduced above and says nothing of deleting files according to deletion data in a stored advertisement. Further, the Huang patent, at the referenced portion in col. 8, line 63 through col. 9, line 3, states (emphasis added):

> The file management system allows the user to manipulate files and folders in similar manner as for a desktop PC, including create, save, rename, delete, copy, cut, paste, find, and so on. In addition, because the files are maintained in a network environment, the invention provides other file manipulation capabilities not available on the desktop PC, including file sharing, access control, and others. The invention also provides additional features through a high level of integration between the file management system and the applications, as explained below.

Nothing here in Huang makes any suggestion that any data is deleted according to deletion data in a stored advertisement. In fact, Huang says nothing about when data is deleted, and thus give one of ordinary skill in the art no idea when data should be deleted, and therefore it is submitted that even if Huang were attempted to be combined, one of ordinary skill in the art could not arrive at the requirements of claim 9 due to the significant gaps in the Huang patent as to when data is deleted or under what

circumstance. In contrast to the claimed invention, where data is deleted according to criteria in the deletion data in the broadcast advertisement, the Huang appears to suggest that only the user has the ability to delete or manipulate files, and thus would lead one of ordinary skill in the art away from believing that deletion of files is handled in any other manner than the user's direct action.

Further, it is noted that the Dowling patent describes a system in which *web pages*, and not the broadcast-data packets, are loaded into a buffer (see, e.g., col. 12, lines 28 through 31 of Dowling), and does not indicate that the broadcast-data packets are saved for any length of time, especially since the broadcast-data packet is used immediately to trigger download of information from the network server.

It is therefore submitted that the requirements of claim 9 are also not obvious in view of any allegedly obvious combination of the Dowling and Huang patents.

It is noted that, in the "Response to Arguments" section of the final Office Action, the Patent Office failed to address or controvert the points made with respect to the Huang patent and the allegedly obvious combination with Dowling that were made in the previous response.

Withdrawal of the §102(b) and §103(a) rejection of claims 1 through 5, 7 through 22, and 24 through 49 is therefore respectfully requested.

CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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